

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George A. Pecoraro et al.  
Appl. No.: 09/780,887  
Filed: February 9, 2001  
Title: METHODS OF ADJUSTING GLASS MELTING AND FORMING TEMPERATURES WITHOUT SUBSTANTIALLY CHANGING BENDING AND ANNEALING TEMPERATURES AND GLASS ARTICLES PRODUCED THEREBY

Group Art Unit: 1755  
Examiner: E. A. Bolden  
Conf. No. 9023  
Docket No.: 1657A1/RC

**TERMINAL DISCLAIMER FOR ANY PATENT ISSUING ON U.S. PATENT APPLICATION SERIAL NUMBER 09/974,124 AND ON ANY APPLICATION CLAIMING THE BENEFIT OF SUCH APPLICATION**

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your petitioner, PPG INDUSTRIES OHIO, INC., a corporation of the State of Delaware, having a place of business at Cleveland, in the County of Cuyahoga, and State of Ohio, represents as follows:

That it is the Assignee of the entire right, title and interest in and to the captioned United States Application Serial No. 09/780,887, filed February 9, 2001, for "METHODS OF ADJUSTING GLASS MELTING AND FORMING TEMPERATURES WITHOUT SUBSTANTIALLY CHANGING BENDING AND ANNEALING TEMPERATURES AND GLASS ARTICLES PRODUCED THEREBY";

That the assignment conveying to PPG Industries Ohio, Inc., the entire right, title and interest in said Application Serial No. 09/780,887, filed February 9, 2001, was recorded in the United States Patent and Trademark Office on April 2, 2001, at Reel 011688, Frame 0996, and has 4 pages;

That it is the Assignee of the entire right, title and interest in and to United States Application Serial No. 09/974,124, filed October 8, 2001, for "METHODS OF ADJUSTING TEMPERATURE CHARACTERISTICS AND GLASS ARTICLES PRODUCED THEREBY";

That the assignment conveying to PPG Industries Ohio, Inc., the entire right, title and interest in said Application Serial No. 09/974,124, filed October 8, 2001, was recorded in the United States Patent and Trademark Office on January 16, 2002, at Reel 012529, Frame 0233, and has 4 pages;

That your petitioner, PPG INDUSTRIES OHIO, INC., hereby disclaims and dedicates to the public the terminal part of any patent granted on the captioned patent application Serial No. 09/780,887, filed February 9, 2001 which would extend beyond the date of 20 years from the first filing date of the of Application Serial No. 09/974,124, filed October 8, 2001, for "METHODS OF ADJUSTING TEMPERATURE CHARACTERISTICS AND GLASS ARTICLES PRODUCED THEREBY";

That your petitioner, PPG INDUSTRIES OHIO, INC., hereby disclaims and dedicates to the public the terminal part of any patent granted on any application that claims the benefit of the filing date of the captioned patent application under 35 U.S.C. 120, 121, or 365(c), which would extend beyond the date of 20 years from the first filing date of the of Application Serial No. 09/974,124, filed October 8, 2001, for "METHODS OF ADJUSTING TEMPERATURE CHARACTERISTICS AND GLASS ARTICLES PRODUCED THEREBY";

That your petitioner does not disclaim any terminal part of any patent granted on the captioned patent application and any application that claims the benefit of the filing date of the captioned patent application under 35 U.S.C. 120, 121, or 365(c), prior to the date of the full statutory term for any patent that issues for Application Serial No. 09/974,124, filed October 8, 2001, for "METHODS OF ADJUSTING TEMPERATURE CHARACTERISTICS AND GLASS ARTICLES PRODUCED THEREBY" in the event that hereafter any such said U.S. Patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid,

has all claims canceled by a re examination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term;

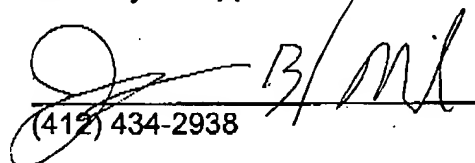
The petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned;

That your petitioner, PPG INDUSTRIES OHIO, INC., hereby agrees that this agreement is to run with any patent granted on the captioned patent application Serial No. 09/780,887, filed February 9, 2001, for "METHODS OF ADJUSTING GLASS MELTING AND FORMING TEMPERATURES WITHOUT SUBSTANTIALLY CHANGING BENDING AND ANNEALING TEMPERATURES AND GLASS ARTICLES PRODUCED THEREBY", and to be binding upon any grantee, its successors, and assigns.

WHEREFORE, your petitioner, PPG INDUSTRIES OHIO, INC., prays that this TERMINAL DISCLAIMER be made of record in the file of this Application Serial No. 09/780,887, filed February 9, 2001, for "METHODS OF ADJUSTING GLASS MELTING AND FORMING TEMPERATURES WITHOUT SUBSTANTIALLY CHANGING BENDING AND ANNEALING TEMPERATURES AND GLASS ARTICLES PRODUCED THEREBY" and further that this TERMINAL DISCLAIMER be given due effect under 37 CFR 1.321.

Respectfully submitted,

JACQUES B. MILES, ESQ.  
Registration No. 42,888  
Attorney for Applicant

  
(412) 434-2938

Pittsburgh, Pennsylvania  
December 3, 2003

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

In re Application of:  
Application No.  
Filed:  
For:

Petitioner, ....., is the owner of.....percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. .... Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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 Date

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 Signature

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 Typed or printed name and title if applicable

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.  
☐ PTO suggested wording for terminal disclaimer was

☐ unchanged, ☐ changed (if changed, an explanation should be supplied).